CITY OF AUSTIN
ROTATION LIST MANAGEMENT

PROCEDURAL HANDBOOK

Contract and Land Management Department
Contract Procurement Division

March 1, 2009

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I. OVERVIEW

Purpose

Because the City of Austin requires similar types of consultant services on a regular basis, rotation lists (RLs) have been created to provide a group of consultants for expedited selection and work assignment. Firms are selected through the Request for Qualifications (RFQ) process. A list of current rotation lists is maintained by the Rotation List Management Team, located within the Contract and Land Management Department, Contract Procurement Division.

When a Project Manager (PM) needs a particular type of consultant, the PM contacts the rotation list manager (RLM) of the appropriate RL for assignment of the next firm in rotation. Using a RL consultant allows a PM to move forward without spending 5-6 months to hire a consultant through the RFQ process.

Role of the Rotation List Manager

- Implement effective mechanisms for managing rotation lists.
- Ensure consistency in assignment processes across all rotation lists.
- Adhere to authorization limits, with exceptions approved and documented.
- Utilize consistent forms, data and reporting to manage rotation lists.
- Properly maintain rotation list data.
- Appropriately document rotation list manager decision making.
- Maintain a primary focus on MBE/WBE compliance.
- Respond promptly and effectively to stakeholder needs.

A RLM cannot add to, modify, or delete requirements specified in this handbook without the prior written approval of the Rotation List Management Review Panel.

Definitions

This section defines key terms used throughout the procedures manual.

- ***Acceptance Date*** – Date on which a firm accepts/rejects an assignment as documented through electronic, fax or letter response.

- ***Acceptable Proposal*** – An agreed upon proposal, signed by the PM and firm, including an acceptable Subconsultant Utilization Form and RLM verification of available funds.

- ***Additional Services* -** A service required to complete an assignment that was not covered in the original consultant proposal and Notice To Proceed. The fees associated with this were unbudgeted in the initial assignment request. For example, in Design Phase, it is discovered that an archeological survey will be required to determine if the route of a water transmission main must be redirected. An additional service is unanticipated and unbudgeted.

- ***Assignment*** – A specified portion of work to be performed by an engineer or architect that is associated with a Capital Project and is formally requested from and approved by a Rotation List Manager. The assignment includes the scope of work to be performed, as well as the dollar amount of the work, if available.

  A firm has received an assignment when the following occurs: the assignment request has been approved by the RLM, the rotation list manager has notified the consultant that they have received an assignment, the consultant has accepted the assignment as documented through an Acceptable Proposal, and the RLM has issued a Notice to Proceed.

- ***Assignment date*** – The date on which a rotation list manager sends an assignment letter to a firm.

- ***Authorization*** – The dollar amount allocated to a firm for a specific rotation list.

- ***Notice to Proceed* –** Official written authorization that allows a consultant to begin work on a project. Also called Form A or Attachment 2 in the Professional Services Agreement.

- ***Project Continuation -*** A subsequent proposal and notice to proceed to cover phases of the assignment that were not included in the initial notice to proceed. The fees associated with this were budgeted and included in the initial assignment request under "total consultant services." For example, a notice to proceed is issued for Preliminary, Design, and Bid Execution Phases only. A second NTP for Construction and Warranty Phases will be issued later, and the fees are covered under "total consultant services" on the ARF. Project continuation is anticipated and budgeted.

- ***Project Manager*** – The Person that is managing a project for which a particular assignment has been made.

- ***Requesting Entity*** – The individual or organization that is requesting an assignment for a particular piece of work.

- ***Rotation List Manager*** – The individual responsible for managing a rotation list.

- ***Rotation List Management Review Panel*** – Panel consisting of management representatives from PMO, SMBR, CPD, PMD, the Public Works Director, the SMBR Director and the CLMD Director. The CPD Division Manager is the Chair of this panel.

- ***Tier Authorization*** – A rotation list that has multiple levels of authorization amounts allocated to firms.

II. RFQ & CONSULTANT SELECTION

Planning and RFQ/Consultant Selection

Before the current RL's funding authority is depleted or when the need for a new RL emerges, the Rotation List Manager (RLM):

- Estimates total amount of funding authority needed and the duration of the RL

  Factors to consider:
  - ✓ History of expenditures / duration of similar RLs
  - ✓ Budget Office projected project lists to estimate number / size of projects that may need consultants
  - ✓ RLM Review Panel recommendations
  - ✓ Sponsor Department(s) future needs that may not be included in Budget Office project lists
  - ✓ Market availability, including numbers / diversity of consultant services
  - ✓ Scope of services should be generic and address recognized industry standards for that particular work

Note: The usual RL duration is 2-3 years with an option to extend as needed to exhaust available spending authority. Write the RCA stating that the RL spending authority determines the actual duration. The anticipated duration may be longer to meet specific program needs.

In some cases, Council may approve an extension of a current RL and/or an increase in funding.

Consultant Selection follows the process outlined in the PW PMD *Hiring Consultants*[1] procedure.

Rotation List - Solicitation Review Process

The RLM works with CPD professional services staff and SMBR in putting together the solicitation package. Once the package has been put together, including MBE/WBE goals and subcontracting scopes of work to be included, the RLM should take the solicitation package to the Rotation List Management Review Panel for approval.

[1] Hiring Consultants Procedure is included as Attachment 1.

The panel consists of management representatives from PMO, SMBR, CPD, PMD, the Public Works Director, the SMBR Director and the CLMD Director. The panel will review the MBE/WBE goals for the solicitation, the subcontracting opportunities included for the rotation list, and the amount of the solicitation.

The RLM should create a brief summary of the MBE/WBE goals recommendation and subcontracting scopes of work included in the solicitation, as well as historical information (if a new version of existing RL) that shows the following:

- MBE/WBE participation percentages.
- Number of assignments made.
- Total amount contracted.
- Subcontracting scopes of work, including total amount contracted and their percentage of the total contracted amount.
- Authorization requested – Total and anticipated per firm

The panel will meet as needed to review solicitations.

Negotiating Rotation List Professional Service Agreements (PSAs) & Kickoff Meeting

The Rotation List Manager (RLM):

- Conducts kickoff meeting with all firms, SMBR and CPD staff, and provides:
  - ✓ RL process summary
  - ✓ *Consultant Payments* procedure [2]
  - ✓ Invoice cover sheet[3]
  - ✓ RL Prime / Subconsultant / Supplier Aggregate Expenditures form (SubK template)[4]
  - ✓ *Consultant Evaluations* procedure[5]
  - ✓ *Professional Service Agreement (PSA)* procedure and template[6]
  - ✓ Request for Change procedure (SMBR)[7]
  - ✓ Close-out Form (SMBR)[8]
  - ✓ Subconsultant Utilization Form[9]
  - ✓ Subcontractor Notification Requirements

- Request information needed for contract execution

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[2] Consultant Payments Procedure is included as Attachment 2.
[3] Invoice cover sheet is included as Attachment 3.
[4] SubK Template is included as Attachment 4.
[5] Consultant Evaluation Procedure is included as Attachment 5.
[6] Professional Services Agreement Template/Procedure is included as Attachment 6.
[7] SMBR Request for Change Procedure is included as Attachment 7.
[8] SMBR Close-out Process is included as Attachment 8.
[9] Subconsultant Utilization Form & Instructions are included as Attachment 9.

- ✓ Rates (consultant and subconsultant) including actual pay rates/proposed billing rate and overhead rate
- ✓ Corporate Authorization
- ✓ Insurance
- ✓ Contract issues/language changes

- Requests applicable fee schedules from consultants and subconsultants

- Reviews fee schedules with CPD staff in accordance with "Professional Service Agreements (PSAs)" procedure.

> ***Note:*** CPD staff is available to assist in all phases of contract preparation and/or negotiations with the firms

- Prepares PSA for execution after receipt of acceptable fee schedule from consultants and appropriate review by CPD

- Obtains four original, executed PSA copies from consultants

- Delivers PSA executed by consultants to CPD (with attachments) for final execution

- Conducts a site visit with consulting firms as feasible

CPD will set up Master Agreement (MA) in AIMS for the RL after Council award. The authorization for each firm will not be setup until contract execution.

RLM Team will prepare file documents including a pre-populated SubK form for each consultant, a pre-populated Subconsultant Utilization Plan for each consultant, a pre-populated Consultant Performance Evaluation, and an Assignment Letter distribution list for each firm.

NOTE: Should one of the selected consultants fail to execute the PSA (and if the RCA does not address how funds are to be reallocated), the RLM will reallocate the funds in accordance with the original proportions approved by council and outlined in the solicitation scope of services.

For example:

<u>Original allocation</u>
Two consultants @ $1.0M each = $2.0 M
Three consultants @ $333K each = $1.0 M
RL total = $3.0 M

Revision
One of three lower-tier consultants does not sign PSA
Amount to be reallocated = $333K

Reallocation
Two upper-tier consultants share 2/3s of funds to be reallocated ($222K total, $111.5K each)
Two lower-tier consultants share 1/3 of funds to be reallocated ($111K total, $55.5K each)

Two consultants @ 1.1115M each = $2.223M
Two consultants @ $388.5 each = $777K
RL total = $3.0 M

Any such reallocation must receive prior written approval from the CLMD Director or their designee.

III. RLM TIME CHARGES

The following represents the procedure for RLM tracking of time charges.

Step	Responsible Party	Action
1	RLM	• Within 14 days of receiving an acceptable proposal, provides Sponsor Department a Memorandum of Understanding (MOU)[10] to cover expenses • Executes signed MOU with sponsor department
2	RLM	• Tracks charges to MOUs
3	CPD and CPMF Financial Staff	• At the end of each fiscal year, reconciles MOU revenues with RLM costs charged

NOTE: A Notice to Proceed (NTP) should not be issued until a fully executed Memorandum Of Understanding (MOU) is in place.

Tracking Task Orders

When a rotation list is created, it should be assigned two new tracking task order numbers: one for the solicitation charges and the other for management beyond contract execution, including assignments. All RLM time spent administering the rotation list should be charged to the appropriate tracking task order (including charges for the RLM and appropriate CPD staff for solicitation and contract management).

When an assignment is made off of a rotation list, the RLM should create an MOU with the sponsor department or PWD division to establish RLM funding for the project.

The funds obtained though the MOU will be used to fund rotation list management against the task order(s).

Any RLM/CPD charges associated with conducting the RFQ process for a rotation list will be charged against the task order through each MOU, using the following formula:

[10] MOU Template and Fee Calculators are included as Attachment 10.

Total assignment amount / total rotation list amount = <u>RFQ Multiplier</u>

<u>RFQ Multiplier</u> X Total RFQ Charges = <u>Charge per assignment</u>

A listing of tracking Task Orders for the Rotation List Management Program are maintained and available for review at G:\Contract_Procurement_Division\ Master Rotation Lists\Rotation List Management Forms & Templates\RLM Task Order List.xls.

The following is provided to illustrate how the MOU Fees are calculated.

	EXAMPLE 1	**EXAMPLE 2**	**EXAMPLE 3**
Total Rotation List Value	$100,000.00	$2,000,000.00	$500,000.00
Total Solicitation Cost (*provided by PSP via Tracking Task Order*)	$ 20,000.00	$ 20,000.00	$ 18,000.00
Rotation List Assignment Value	$ 10,000.00	$ 20,000.00	$ 30,000.00
Rotation List Assignment Length (Mos.) THIS FY	6	6	8
Rotation List Assignment Length (Mos.) FUTURE FY	2	7	18
MOU Solicitation Cost (%) Recovery for assignment	10.00%	1.00%	6.00%
MOU Solicitation Cost ($) Recovery for assignment	$ 2,000.00	$ 200.00	$ 1,080.00
Rotation List Manager Assignment Set up Fee	$ 1,900.00	$ 1,900.00	$ 1,900.00
Rotation List Manager Monthly Maintenance Fee	$ 1,040.00	$ 1,690.00	$ 3,380.00
Contract Procurement Division Set Up Fee	$ 140.00	$ 140.00	$ 140.00
Contract Procurement Division Monthly Maintenance	$ 880.00	$ 1,430.00	$ 2,860.00
MOU Total for this assignment	**$ 5,960.00**	**$ 5,360.00**	**$ 9,360.00**

NOTE: When assignment is for Additional Services, check the original MOU to determine if the Additional Services will be performed within the established schedule. If yes, then the only charge on the new MOU will be for the set up.

Tracking RL Fees outside of CLMD

If you work inside the CPMF (Capital Projects Management Fund) the above methodology for recouping expenses should be followed. If you work outside the CPMF, the process for recouping your individual time charges will be determined by your management. CPD will track the solicitation costs and an MOU should be executed for the appropriate portion of those fees for each assignment. CPMF financial staff will process the MOU.

IV. ROTATION LIST ASSIGNMENTS

The following section outlines the rotation list assignment procedure and methodology to be followed by RLM's.

Step	Responsible Party	Action
1	Project Manager or Requesting Entity	All entities requesting an assignment are required to fill out an *Assignment Request Form*[11]. The request should be submitted as soon as the requesting entity knows the work is materializing. The submitted form must include the following information: • Date of request • Requesting department • Requesting project manager/person • Requested scope of work (as much detail as possible) • Dollar amount of requested work (if available) • Funding source for assignment (e.g., FDU) • Requestor signature ***NOTE:*** No assignments are to be made without a completed and signed Assignment Request Form.
2	RLM	• Determines whether proposed project is within the scope of the RL. • Determines authority needed for assignment and that sufficient funding authority is available under RL. ***NOTE:*** The RLM may deny the request if the RL lacks sufficient authority and refer the requesting individual to CPD for help in preparing a RFQ. • Within 48 hours of request, provides PM name and contact information of next firm on RL due for assignment as described in "Assignment

[11] The Assignment Request Form is included as Attachment 11.

		Methodology" below • Sends a letter to the selected consultant indicating the assignment (Assignment Letter[12]) and requesting acceptance/denial of the assignment. ***NOTE:*** The RLM should e-mail a PDF version of the Assignment Letter to the consultant and subconsultants same day to facilitate turn around. • Sends a copy of the Assignment Letter to all subconsultants listed on the assigned consultant's Compliance Plan and SMBR. • If needed, gives PM copy of governing PSA and RFQ responses to use in negotiations.
3	Consultant	• Replies to the RLM accepting/declining the assignment within five (5) business days of receiving PDF version of the Assignment Letter.
4	RLM	• If consultant declines assignment, document declination and then select next consultant in line. • If consultant accepts assignment, notifies PM/requesting entity to proceed with consultant negotiations. • Provides PM/Requesting Entity assignment specific *Subconsultant Utilization Form* template
5	Project Manager or Requesting Entity	• Negotiates Acceptable Proposal with consultant. • Directs the consultant to fill out the *Subconsultant Utilization Form* as an attachment to the proposal (proposals will not be accepted without a completed form). • Provides copy of consultant's proposal to the Rotation List Manager for review and concurrence. (The Rotation List Manager will not accept the proposal without a completed *Subconsultant Utilization Form*) • Provides a copy of consultant's proposal to Sponsor Department(s) for review. • Reviews and submits consultant's assignment MBE/WBE Compliance Plan to RLM for review by RLM and SMBR

[12] A draft Assignment Letter is included as Attachment 12.

		Note: Both the PM and RLM must review the assignment's scopes of work and subconsultant usage in the Subconsultant Utilization Form to verify that subcontractors identified in the consultant's original or amended Compliance Plan are being used as planned on the appropriate scopes of work. Any changes in subcontractors to be used for a particular scope of work must be explained in writing by the consultant and the consultant must also submit a *MBE/WBE Compliance Plan Request for Change*. • Obtains RLM concurrence on acceptable proposal • On TxDOT-funded projects, obtains TxDOT approval of original RFQ documentation (provided by RLM - RLM may have already handled as described in step 6 below) • Informs RLM if negotiations with consultant are discontinued or if Sponsor declines proposal
6	RLM	***Note:*** If RLM believes many assignments are likely to include TxDOT funding, the RLM may elect to submit the original RFQ documentation to TxDOT for all consultants on the list. This negates the need for project-by-project reviews as described in step 5 above. • Reviews and submits *Subconsultant Utilization Form* to SMBR professional services team representative for review. The SMBR representative contacts the RLM to address any concerns related to MBE/WBE subconsultant utilization. • *After CPD concurrence received on consultant's assignment*, prepares, executes and issues original notice to proceed to consultant, with copy to PM and to CPD

		• Prepares, executes and issues Notice to Proceed (Form A or Attachment 2 – in Professional Services Agreement Template) to consultant with a copy to PM and CA. ***Note:*** CPD will create a Delivery Order (DO) to encumber the funds for the assignment upon receipt of the method of Form A / Attachment 2 from the RLM in accordance with Section VI. Finance, Monitoring, and Invoicing.

Assignment Methodology

1	FIRST PASS - Make assignments based on ranking of consultants on the RFQ evaluation matrix, in order.
2	REORDER - After first pass completed, reorder list based on percentage of contracting authority remaining for each firm - *i.e. firm with highest remaining authority percentage would be first, etc.*
3	SECOND PASS - Make assignments in order determined by step 2.
4	REORDER - After second pass completed, reorder list using same balancing method outlined in step 2
5	THIRD PASS, ETC - Make assignments, reorder to balance, continue until RL term expires ***or*** the remaining authorization will not support more assignments

Assignment Methodology Example

FIRST PASS

ASSIGN ORDER	*FIRM*	*AUTHORITY*	*ASSIGNMENT*	*REMAINING AUTH*	*REMAINING AUTH (%)*
1	A	$100,000	$80,000	$20,000	20%
2	B	$100,000	$60,000	$40,000	40%
3	C	$100,000	$10,000	$90,000	90%
4	D	$100,000	$25,000	$75,000	75%
5	E	$100,000	$5,000	$95,000	95%

REORDER FOR SECOND PASS

ASSIGN ORDER	*FIRM*	*AUTHORITY*	*ASSIGNMENT*	*REMAINING AUTH*	*REMAINING AUTH (%)*
1	E	$100,000	$5,000	$95,000	95%
2	C	$100,000	$10,000	$90,000	90%
3	D	$100,000	$25,000	$75,000	75%
4	B	$100,000	$60,000	$40,000	40%
5	A*	$100,000	$80,000	$20,000	20%

*Firm may be ineligible for another assignment IF they have a current assignment AND have utilized 80% or more of their remaining authority.

Key Aspects of Assignment Methodology

- If a RL consultant turns down an assignment, the RLM will obtain written documentation of that firm's refusal and the firm will "lose its turn" on that rotation pass. The RLM will make the assignment to the next firm in the rotation pass. The firm that refused the assignment will not be assigned work until the following pass through the rotation list order.
- If no assignments can be made to consultants on a rotation list pass due to limited remaining authorization, the RLM will compile remaining authority amounts into a rotation list fund and assign work to the first consultant on the current rotation pass using the pooled funds. This action requires a Variance Request Form be completed.
- A firm will no longer be assigned work from a rotation list when it has reached 80% of its authorized amount AND it currently has active projects from the rotation list. If the firm has no active projects from the rotation list and has reached 80% authorization, the firm will still be eligible to receive an assignment according to the assignment methodology.
- If a firm is next in the rotation for an assignment, and the assignment amount exceeds their authorization amount, the RLM will give the assignment to the *next* firm on the list, unless the Contracts Procurement Division Manager and the CLMD Director approve the assignment through the variance process.

Variance Process

In rare instances, the RLM may encounter a situation related to assignment that would require a deviation from the assignment methodology outlined above.

This may involve a firm that is unable to perform the assignment or other situations.

In such cases, the RLM must submit a Variance Request Form to the Contract Procurement Division Manager and the Contract and Land Management Department Director for approval before the assignment is made. A copy of the approved Variance Request Form will be sent to SMBR.

The Variance Request Form should be submitted with all documentation that supports the justification for the variance request.

If a variance is approved, the RL firm receiving the assignment will be designated as having received their assignment for the current pass and will not be eligible for another assignment until the next rotation pass. The assignment order will otherwise be followed for the current rotation pass.

The RLM will keep record of all variances that have been applied to a particular rotation list.

Additional Services or Project Continuation Assignments

Step	**Responsible Party**	**Action**
1	Project Manager	• Identifies needs for additional services or next phase of project • Asks RLM for additional authorization utilizing ARF • Confirms that funding is available from the Sponsor Department
2	RLM	• Confirms that authorization is available from the RL or advises PM of other alternatives • Requests new proposal from consultant for amendment (including Subconsultant Utilization Form) • Notifies subconsultants of request for additional services or project continuation • Issues Notice to Proceed for amendment to scope of work once an Acceptable Proposal is received and new DO is processed ***Note:*** The document work flow for additional services or project continuation assignments will

		follow the process for new assignments with the exception of the assignment notification letter.

Assignments and New Rotation Lists

Typically, rotation lists have a limited term of 2-3 years and, often, a new rotation list for the same service must be created prior to the expiration of the previous list.

If an assignment has been made on an older version of a rotation list and a new rotation list exists, the assignment and subsequent work performed must be handled off of the old rotation list only. This is due to the fact that the work was assigned under a particular list with a particular selected mix of consultants and subconsultants.

An existing project cannot be "transferred" from one rotation list to another. If an older version of the rotation list has limited funds and there is existing work that must be completed, the RLM should seek an increase in the authorization amount from City Council to complete the work performed.

For purposes of handling any work associated with an older version of a rotation list, the RLM should treat the work *as if the new rotation list does not exist.*

Once a new rotation list has been put into effect, no new work assignments should be assigned from the old rotation list. If there is remaining work to be performed that is a phase or component of work assigned from the old rotation list, this work can be performed using the old rotation list.

If a new version of a rotation list is in effect and all work has been completed on the old rotation list, authorization may remain on the old rotation list. These funds will expire after the rotation list has been closed.

For new rotation list solicitations, an expiration date will be established and approved by the RLM Review Panel. This expiration date is the date after which no NEW assignments can be made from the rotation list. If extenuating circumstances exist, the RLM may request an extension to the expiration date from the CLMD Director and the City Manager's Office.

If a rotation list is nearing its expiration date, the RLM should consider any ongoing projects and plan to obtain an extension, if necessary. The action of extending a rotation list also includes making an adjustment to the rotation list closing date that exists in eCAPRIS.

Withdrawn Assignments

If a firm receives an assignment to perform work and a rotation list manager is unable to issue a notice to proceed within 60 days of the assignment date, the assignment will be considered “withdrawn” – in other words, the assignment is removed from the rotation list. The RLM will provide the Requesting Entity 10 business days’ notice that the assignment is nearing expiration.

This process is intended to keep a RL firm from having their authorization tied up indefinitely on a pending assignment. While waiting for issuance of a Notice to Proceed, that firm may be passed up for an alternate assignment. Over the life of a rotation list, this could materially affect the firm's earnings from the rotation list.

If a firm has an assignment that has been withdrawn <u>through no actions of their own</u>, the firm will be next in line to receive an assignment. Withdrawn assignments are an allowable reason for a variance to the assignment methodology. The RLM must follow the variance process so as to document the withdrawal and assign other work to the firm out of assignment order.

If extenuating circumstances exist which warrant an extension to the 60-day deadline, the sponsor must file for this extension within 5 business days of the deadline.

Re-Assignment

If work assigned to a firm is withdrawn and materializes at a later date, it will be treated as a new assignment and will be assigned to the next firm in the rotation order. The firm originally receiving the assignment is not entitled to receive the assignment, unless the firm is next on the rotation.

Notice to Proceed

The RLM will issue a *Notice to Proceed*[13] (fully executed PSA Form A or Attachment 2) within 10 business days of receiving an Acceptable Proposal/signed Attachment 2. (RLM will have 5 business days to prepare the NTP and CA will have 5 days to prepare the DO.)

No work is to be performed by a consultant without receipt of a Notice to Proceed, which is signed and issued by the RLM. The RLM will communicate this

[13] A sample Notice to Proceed (PSA Form A or Attachment 2) is included as Attachment 14.

requirement to firms during contract negotiations. In addition, an RLM will not issue a Notice to Proceed without a DO number.

If no work is performed by a consultant for a period of six continuous months or longer at any point after a NTP is issued, the remaining authority for the assignment will be released. This provision only applies if the work stoppage is at the direction of the project manager or sponsoring department. The RLM will confer with the consultant and the PM/sponsoring department point of contact to assess the circumstances of work stoppage prior to making a decision. The RLM will issue a notice that such action is being taken to the consultant and PM/sponsor department in writing.

Transaction Log

Each Rotation List Data Sheet Workbook should contain a sheet labeled "Transaction Log". RLM's will use the Transaction Log to document all activities associated with that Rotation List.

Encumbering Funds Outside of CLMD

If the RLM is outside of CPD, the Form A / Attachment 2 should be submitted to the Rotation List SPOC for review prior to encumbrance. They will submit the form to CPD Contract Administration for processing. A copy will be routed back to you for issuance as the formal Notice to Proceed.

V. MBE/WBE COMPLIANCE

Subconsultant Notification

The Rotation List Management Team will send a copy of the assignment letter to all subconsultants on a prime consultant's compliance plan indicating that the prime has received an assignment. The RLM should retain documentation that such notices were sent.

The notice to subconsultants is not dependent upon utilization of the subconsultant, and notification of assignment should in no way be interpreted that a subconsultant's scope of work is included in the assignment. Upon notification, it is the responsibility of the subconsultants to contact the prime consultant to determine if work opportunities exist.

Subconsultant Utilization Plan

RLM's will require consultants to detail in their assignment proposal the subconsultant participation, using a *Subconsultant Utilization Form*. This form will include the following information:

- Subconsultant to be used.
- Type of MBE/WBE certification, or designate the firm is non-certified.
- Amount of subconsultant work proposed.
- Scope(s) of work to be performed by the subconsultant.
- Percentage of work for each subconsultant (participation)
- Reason(s) if firm is unable to meet rotation list goals in the assignment.

This form will be submitted as an attachment to the consultant's assignment proposal. The RLM will forward a copy of the *Subconsultant Utilization Form* to the appropriate SMBR representative for the assignment.

The RLM will check the *Subconsultant Utilization Form* against the firm's approved Compliance Plan and participation percentages to-date (eCAPRIS data), and will follow-up with SMBR and/or the firm as necessary to address any compliance issues.

Changes in Compliance Plan

If a prime consultant identifies the need to make a change to the compliance plan, the consultant will be directed by the RLM to complete a Request for Change form[14] and follow the Request for Change process as outlined in the

[14] The Request for Change form has been included as Attachment 15.

MBE/WBE Compliance Monitoring[15] procedures. The Project Manager will inform the Rotation List Manager of any noted subconsultant utilization issues during the project.

NOTE: The MBE/WBE Procurement Program Ordinance and Rules apply and will be enforced for all Rotation Lists! This includes the approved reasons to allow a Request for Change. Choosing to self-perform work is not an allowable reason for a Request for Change. Questions about the MBE/WBE Procurement Program Ordinance and Rules should be directed to the CLMD MBE/WBE Coordinator or SMBR.

MBE/WBE Reporting

RLM's will consult with SMBR and the Contract Procurement Division Manager on any situations related to MBE/WBE compliance that warrant further review. The RLM is accountable for seeking appropriate resolution.

In addition, RLM's will keep data on overall MBE/WBE and non-certified subcontractor participation and regularly report on rotation list progress in meeting participation goals. A summary report will be compiled and reported to management at least on a quarterly basis. The Project Management Supervisor in the Contract Procurement Division is responsible for preparing and disseminating this report. Past reports are available for review on-line at http://www.ci.austin.tx.us/aeservices/default.htm (Rotation List Reports).

MBE/WBE Compliance Monitoring

Step	**Responsible Party**	**Action**
1	RLM	• Provides information to and consults with RLM Team and SMBR on compliance issues as necessary
2	RLM	• Sends a copy of the Notice to Proceed to all subconsultants on the RL firm's *Subconsultant Utilization Form*.
3	Project Manager	• Checks MBE/WBE form (SubK) submitted with each invoice for accuracy (see *Consultant Payments* procedure) ✓ Ensures subconsultants listed in Subconsultant

[15] MBE/WBE Compliance Monitoring procedure has been included as Attachment 16.

		Utilization Form are used for appropriate scopes of work and the agreed-upon percentages ✓ Sends consultant written notification of corrective actions needed to remedy any issues identified in review ✓ Requires consultant to submit *MBE/WBE Compliance Plan Request for Change* if consultant seeks any changes in the use of subconsultants that is different than the approved Compliance Plan • Monitors prime consultant's progress towards meeting MBE/WBE goals as identified in solicitation • Submits Request for Change to RLM for review
4	RLM	• Reviews Project Manager's notes and documentation regarding SubK Reports, and consults with SMBR staff and CPD division manager as necessary. • If *MBE/WBE Compliance Plan Request for Change* is included, the RLM reviews and sends to CLMD Director for review/approval/denial, and then to SMBR for final approval/denial.
5	SMBR	Conducts Review of Assignment Subconsultant Utilization Form, SubK Report at end of assignment.

VI. FINANCE, MONITORING, AND GENERAL MANAGEMENT

Monitoring RL Finances

The Rotation List Manager:

- Will work with the Contract Administration Section of CPD (CLMD) to ensure each assignment/phase proposal is processed as a ***NEW*** DO in order to maintain a one-to-one relationship between the contract financial tool(s) and the consultants' invoices. Contract Administration will identify each assignment numerically.
  - ✓ Assignment will be assigned a number (1, 2, 3, etc)
  - ✓ Each Notice to Proceed related to an assignment will be added to the number (1.1, 1.2, 1.3, etc.)

- Ensures Master Agreement (MA) does not expire while RL projects are active (see ***Note*** below)

- Receives copy of pay applications from Project Manager to update RL list financial records.

Note: RLM does <u>not approve pay application for payment</u>. The Support Services Accountant and Project Manager review and approve the pay applications. The RLM is a resource to them in performing their review.

- Closes individual RL assignment(s) in eCAPRIS and AIMS (the "DO" number) with Contract Administration as the final payment is processed. Notes any unspent balance from assignment for transfer back to RL's available authority. RLM will close out any subconsultant utilization issues with SMBR.

Note: Once Master Agreement expires, no new RL project assignments or increases to existing assignments are possible until the MA is reinstated. This is more time-consuming than getting the MA extended before it expires.

Rotation List SPOC

If the RLM is outside of the CPD Rotation List Management Team, CPD will assign a team member to be the point of contact for the RLM. This information will be contained in the Rotation List Contact Sheet, located at G:\Contract_Procurement_Division\Master Rotation Lists\Rotation List Management Forms & Templates\Rotation List Contact Sheet.xls.

Consultant Evaluation Forms

The Project Manager is responsible for completing the Consultant Evaluation Forms at the appropriate intervals. The Rotation List Manager is a resource for the PM for documentation or information. The RLM will supply the PM with a pre-populated form as assignments are made. If the work is contracted for in a phased approach, the RLM may withhold additional NTP's pending completion of the necessary evaluations. The PM will return the completed evaluations to the RLM for review and submittal to CLMD Program Management Office. (See *Consultant Evaluation* procedure.)

Rotation List Reporting Requirements

Rotation List Managers must maintain the *Rotation List Data Sheet*[16] which will be used for the database to allow regular reports to Department and other City officials. The data sheet is in a standard format and includes the following data information:

- List of consultants, in order of initial selection.
- List of consultants, in order of the current pass (descending order by remaining authority percentage). List should have the number of the current pass in the heading.
- Total number of passes through the rotation list.
- RCA authorization for each consultant.
- Number of projects assigned to each consultant.
- Percentage of authorization remaining for each consultant.
- Invoices paid to date for each consultant.
- Pending work (pre-encumbered work assignment which is factored into the remaining authorization percentage for the assignment methodology)
- Amounts encumbered to date for each consultant.
- M/WBE goals for the rotation list and participation percentages to date.

The order of firms in the Rotation List Data Sheet will be numbered according to their existing order in the rotation list for any given pass.

The Rotation List Manager is responsible for reviewing Sub-k's as submitted to verify that the information is accurate and in-line with the invoices as they are

[16] Sample Rotation List Data Sheet has been included as Attachment 17.

processed. Furthermore, the Rotation List Manager is responsible for monitoring the information that is reported in the eCAPRIS system to ensure that it is current and in agreement with the Sub-k's and that the reports that are generated based on that data are accurate.

RLM's will compile and submit a *Monthly Report*[17] on rotation list status to the CPD Division Manager, the CLMD Director, the Director of Public Works, and the Director of SMBR. The report will include the following information:

- Number of assignments made during the reporting period.
- Number of variances to the assignment methodology.
- Total contracted amount for rotation list.
- Total payments made to rotation list consultants.
- Total payments made to subconsultants, by MBE/WBE certified and non-certified firms.
- Total remaining authorization.
- Number of assignments made that met MBE/WBE participation goals.
- Number of assignments that did not meet MBE/WBE participation goals.
- Rotation List Manager summary of activity and issues for the reporting period.

The report will be distributed to external stakeholders at the direction of CLMD.

Change in Rotation List Manager

The outgoing Rotation List Manager (or their supervisor) notifies CPD Rotation List Management Team of change in Rotation List Manager within 5 working days. In addition, notification will be given to the consultant and the point of contact for maintaining the master list of current rotation list managers. The point of contact will update the rotation list manager information in eCAPRIS and the Rotation List Contact Sheet.

Rotation List Close Out

The Rotation List Manager:

- After all assignments are made or authorization is depleted:
  - ✓ Ensures all DOs are disencumbered and closed
  - ✓ Submits final Subconsultant Expenditure Close Out form[18]
  - ✓ Closes Master Agreement

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[17] Monthly Report Template has been included as Attachment 18.
[18] Subconsultant Expenditure Close Out form has been include as Attachment 19.

Rotation List Data Management

The RLM team spreadsheet tool will be made the standard data collection tool for rotation list management. The rotation list management team will also develop a database to compile this information for all rotation lists and facilitate regular reporting of rotation list data for management.

Rotation list summary reports will be produced for management at least on a quarterly basis.

Rotation List Management Audits

The rotation lists will be randomly audited at least twice a year by the CLMD Internal Auditor to:

- ensure that assignment procedures are being followed
- identify any related issues
- recommend necessary improvements

Rotation List Management File Structure

Master forms and templates will be maintained on the G: drive. (G:\Contract_Procurement_Division\Master Rotation Lists\)

Within the CPMF, each RLM will be responsible for maintaining their files in the appropriate location on the G: drive. (G:\Contract_Procurement_Division\Master Rotation Lists\) Only the Director, DM, PM Supervisor, RLM and PC assigned to that Rotation List will have access.

Outside the CPMF, a similar file structure must be maintained and must be kept readily accessible to Director, DM, and PM Supervisor.

VII. REFERENCES AND FORMS

References

- "Hiring Consultants" Procedure – Public Works (Attachment 1)
- "Consultant Payments" Procedure – Public Works (Attachment 2)
- "Consultant Evaluation" Procedure – Public Works (Attachment 5)
- "MBE/WBE Compliance" Procedure – Public Works (Attachment 16)
- "Professional Service Agreements" Procedure – Public Works (Attachment 6)

Forms and Templates

- Assignment Letter (Attachment 12)
- Assignment Request Form (Attachment 11)
- Close-out Process (SMBR) (Attachment 8)
- Invoice Cover Sheet (Attachment 3)
- Memorandum of Understanding Template and Calculator (Attachment 10)
- Monthly Report Template (Attachment 18)
- Notice to Proceed (Attachment 14)
- Request for Change Form (Attachment 15)
- Request for Change procedure (SMBR) (Attachment 7)
- Rotation List Data Sheet (Attachment 17)
- Subconsultant Expenditure Close Out Form (Attachment 19)
- Subconsultant Monthly Report (SubK) – Form (Attachment 4)
- Subconsultant Utilization Instructions and Form (Attachment 9)
- Variance Request Form (Attachment 13)

Attachment 1 ~ Hiring Consultants Procedure

Attachment 2 ~ Consultant Payments Procedure

Attachment 3 ~ Invoice Cover Sheet

Attachment 4 ~ Subconsultant Monthly Report (SubK)

Attachment 5 ~ Consultant Evaluation Procedure

Attachment 6 ~ Professional Service Agreements Procedure

Attachment 7 ~ Request for Change Procedure (SMBR)

Attachment 8 ~ Close-out Process (SMBR)

Attachment 9 ~ Subconsultant Utilization Instructions and Form

Attachment 10 ~ MOU Template & Calculators

Attachment 11 ~ Assignment Request Form

Attachment 12 ~ Assignment Letter

Attachment 13 ~ Variance Request Form

Attachment 14 ~ Notice to Proceed

Attachment 15 ~ Request for Change Form

Attachment 16 ~ MBE/WBE Compliance Procedure

Attachment 17 ~ Rotation List Data Sheet

Attachment 18 ~ Monthly Report Template

Attachment 19 ~ SubK Close-out Form